

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFFICE SPACE SOLUTIONS, INC.,

Plaintiff,

-against-

JASON KNEEN,

Defendant.

REPLY DECLARATION
of Harsh Mehta

Civil Action No.: 15CV4941(LAK)

ECF Case

HARSH MEHTA hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Vice President of the Plaintiff Office Space Solutions, Inc. and respectfully submit this Declaration in support of the Instant Motion to maintain the status quo of the domain workbetter.com so that it cannot be transferred by the defendant during the pendency of this litigation.
2. I respectfully submit this Declaration in Reply to certain arguments made by the defendant in opposition.
3. As Exhibit A to the Declaration of Jason Kneen demonstrates, after I was unsuccessful in reaching him in April of 2014, we entered into negotiation concerning purchase of the domain workbetter.com in May of 2014.
4. I was unaware of any party having a right superior to the Plaintiff at the time that I filed the application for the trademark Work Better on April 25, 2014, and I remain of that view. It was and continues to be my understanding that an individual that simply holds a domain with no associated business or website, has no right to the mark. I

am advised that I was not under any responsibility to disclose the Defendant's lack of rights to the mark Work Better at the time that I filed my April 25, 2014 application.

5. Counsel for the Defendant has argued that the specimen that was attached to the Statement of Use that I filed in March of 2015 has been changed and she uses this to question whether plaintiff has made sufficient use in commerce of the mark.
6. Defendant does not and cannot deny that there were two specimens that were filed along with the Statement of Use: one specimen containing a portion of the workbetter.us website which the Defendant does not deny was active at the time of the filing and the other specimen containing a sales document that Plaintiff utilized as of the date of use in commerce set forth therein, February 11, 2015. We are prepared if discovery is initiated in this matter, to confirm that there were and are other uses of commerce taking place that more than satisfy the standard.
7. I respectfully submit that it is irresponsible for the defendant to accuse the Plaintiff of fraud simply because such an accusation advances Defendant's interest.

Dated: New York, New York
July 6, 2015



Harsh Mehta